SYNOPSIS

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JUVENILE JUSTICE IN DELHI - TOUGH QUESTION WITH TOUGHER ANSWER- AN EMPIRICAL STUDY

INTRODUCTION

The growth of country depends upon its children because they are the future.Many countries have developed juvenile justice system to deal with young offenders.State owes special care and protection toward children therefore constitution has provide several rights for the protection, development, liberty and care of children.

The children are the greatest personal as well as national assets.A child is born innocent but due to lack of proper care, guidance and due to negative social & environment factors like cultural conflicts, family background, money factor, neighbourhood, peer pressure etc his mind diverge towards criminal tendency. It is our duty to make sure that children should be provided with healthy environment. The state must provide equal opportunities for the development of all children in order to reduce inequality & ensure social justice.

MEANING OF JUVENILE

The word 'Juvenile' is used to characterise a young criminal offender. Juvenile is considered as a 'Child' who has not attained a specific age as mentioned in the law i.e 18 years and not mature to understand what is right and wrong.

MEANING OF JUVENILE DELINQUENCY

Delinquency means unwelcome action of a child, which is socially not permitted in the society. Juvenile Delinquent is a disorder which is defined as a 'child acting like an adult'. Juvenile Delinquency refers to participation of minors in illegal crimes.When a person deviates from the normal course of his social life and his actions prove to be dangerous towards the society.The act of delinquency include running away from home, use of inappropriate or vulgar languages, committing offence etc. The action of the child may seem to be foolish but actually its a matter of serious concern.

MEANING OF JUVENILE JUSTICE

Juvenile Justice is defined as a legal framework which defines justice for juvenile under the Indian Legal system. In wider sense it includes "the provisions for the well being and welfare of all the children in need of care and protection". It also implies fairness and justness toward juveniles in political, social and economic spheres.

Before 19th century, children were considered as young adults, children over the age of 7 years accused of crimes were sent to jail but instead of reforming themselves they learn more about crimes.

The Juvenile Justice system in India is structured around the constitutional mandate i.e Article 15(3), 39(e) & (f), 45, and 47 as well as several international covenants such as the UN convention on the rights of the child (CRC),the UN Standard Minimum Rules for administration of Juvenile Justice. Indian penal code and code of criminal procedure also provides provisions for the protection of child

SIGNIFICANCE OF THE STUDY

Children are the backbone of the nation. Both the national and international organisations protected the rights and safeguard the interests of the children.

In the last few years, it is observed that the crimes done by children under the age of 15-18 have increased significantly.

The causes of crimes are upbringing, lack of education and parental care, early life experiences, economic condition, poverty, adolescence instability, migration, modern life style etc. The most disappointing part is people use children as a tool for committing the crime as their mind is innocent and they can be easily manipulated. Thats why the system is giving a special treatment, attention and protection to Juvenile.

Earlier in 18th century Juvenile were treated as same as other criminal offenders. Keeping the welfare of juvenile in mind General assembly of United Nation has adopted a convention on the Rights of child on 20th November 1989, which seeks to protect the interest of Juvenile Offenders.

The constitution also provides provisions for the working of the government machineries. It provides comprehensive study and understanding of child rights.

Article 15(3) provides the state to make special laws for women and children. Article 39(f) inserted in the constitution of India by the 42nd Amendment, provides that children are given opportunities and facilities to develop in healthy manner and they must be protected against exploitation. Article 47 impose duty on the state to raise the level of nutrition and the standard of living to impose public health.

In India, The Juvenile Justice Act,2000 provides two main categories named as "child in conflict with law- an individual under the age of 18 years and found to have committed an offence.They must be kept in observation homes.

"Child in need of care and protection" (children from deprived and marginalised sections of society as well as those with different needs and vulnerabilities).They must be kept in children home.

The Juvenile Justice act of 2015 replaced the Juvenile Justice act of 2000 because there existed a need for more effective justice system. The new Juvenile Justice (Care and protection of children) Act 2015 focused on friendly approach of adjudication & disposition of matters.The legislation that deals with all the matters

concerning 'Children in need of care and protection' and 'Children in conflict with law' is Juvenile Justice (care and protection of children) Act,2015.

Despite tremendous importance being attached to children welfare, still much remains to be done in order to realise and achieve goals.
According to the National Crime Records Bureau report,2015 out of the total Juveniles apprehended in various crimes, 4757 were illiterate and 14,229 had education upto primary level. There is a need to properly implement the existing policies which the Government has made for the benefit, welfare & future of children.

SCOPE OF THE STUDY

The scope of the study was restricted because of non- availability of number of cases, and because it is difficult to analyse whether the Juvenile was capable of understanding his act or not.Besides that a delinquent is only caught when he repeated his act.The delinquent behaviour of the adolescent is due to the mental trauma they faced in life.It is important to eradicate this practice from society to keep control of the problem of Juvenile delinquency.Many times even police is not aware about the crimes committed. Another problem which restrict the scope that majority of cases in courts represent the under-privileged groups whose parents lack culture and economic resources.

OBJECTIVES OF THE STUDY

1) To analyse the strength and loopholes of Juvenile Justice Act.
2) To find out the correct and best possible way to correct and provide healthy environment to juvenile necessary for their upliftment.
3) To describe the nature, scope and structure of juvenile justice in India.
4) To study the role of voluntary organisations,NGO's and assessment of juvenile homes in Delhi.
5) To examine the role of judiciary in the implementation of existing laws.

6) To examine the statistics relating to implementation of the Juvenile Justice Act to find out the direction, rate and lacunae in the growth of juvenile justice.

7) To study how the inmates perceived themselves, their families, their environment, their law-breaking and other aspects of their young lives; on the other hand, how others saw them.

8) To find out the cause of increasing rate of crimes committed by juveniles.

HYPOTHESIS

The following hypothesis were formulated for the study :

1) Economic poverty leads to more delinquency.

2) Illiteracy, lack of parental care, insecurity, and unhealthy environment to the delinquents and neglected children leads to delinquency.

3) Bad companions influenced a lot for causing delinquency.

4) Due to lack of attention,Clarity and implementation of laws ,existing policies is the reason for increased crime rate among juveniles.

5) Large size of family which affects partially for the proneness of delinquency.

METHODOLOGY

Study on “Delinquency” requires an intensive and scientific research to obtain accurate results. The present research is based on empirical study on juvenile justice system in Delhi.The main concern of the present study is to foresee the existing functionaries of the various juvenile and observation homes situated in Delhi.

There are 14 statutory institutions working for the care, protection, treatment, development and rehabilitation of neglected and delinquent juveniles in the NCT of Delhi. Out of 14 statutory institutions, 08 institutions are working for the boys, 05 for girls and 01 for both boys and girls.

The research shall be a doctrinal and descriptive study. It shall explore only the facts and the information available and how the system is working.